

Robert J. Kane (SBN 50856)
rkane@stuartkane.com
STUART KANE LLP
620 Newport Center Drive, Suite 200
Newport Beach, CA 92660
Telephone: (949) 791-5127
Facsimile: (949) 791-5227

Max C. Fischer (SBN 226003)
mfischer@sidley.com
SIDLEY AUSTIN LLP
555 West Fifth Street
Los Angeles, California 90013-1010
Telephone: (213) 896-6000
Facsimile: (213) 896-6600

Angela C. Zambrano (Texas Bar No. 24003157)
angela.zambrano@sidley.com
Sidley Austin LLP
2001 Ross Avenue, Suite 3600
Dallas, Texas 75201
Telephone: (214) 981-3405
Facsimile: (214) 981-3400

Attorneys For Petitioners
ACCENTCARE, INC. and ACCENTCARE OF
CALIFORNIA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SHARINA McNEAL, individually and on
behalf of other aggrieved employees under the
Labor Code Private Attorneys General Act of
2004,

Plaintiff,

vs.

ACCENTCARE, INC., ACCENTCARE OF
CALIFORNIA, INC., and DOES 1 through 50,

Defendants.

Case No. 3:15-cv-03304-KAW

**[PROPOSED] ORDER GRANTING
PETITIONERS' PETITION TO COMPEL
ARBITRATION AND STAY
PROCEEDINGS**

Magistrate Judge Kandis A. Westmore

1 Petitioners AccentCare, Inc. and AccentCare of California, Inc.'s (together, "Petitioners")
2 Petition to Compel Arbitration and Stay Proceedings came on for hearing on September 3, 2015, at
3 11:00 a.m., before the Honorable Magistrate Judge Kandis A. Westmore at the Oakland Courthouse
4 of the above-entitled Court. Robert J. Kane and the law firm of Sidley Austin LLP appeared on
5 behalf of Petitioners. The law firm of The Ottinger Firm, P.C. appeared on behalf of Plaintiff-
6 Respondent Sharina McNeal ("Respondent").

7 The Court, having considered all of the moving, opposition and reply papers, and the
8 arguments of counsel, found that the Federal Arbitration Act applies and that the arbitration
9 agreement between Respondent and Petitioners is valid and enforceable and thereby granted
10 Petitioners' petition to compel Respondent to arbitrate all of her claims against Petitioners. The
11 Court further found that the arbitration agreement between the parties requires individual arbitration
12 of Respondent's claims against Petitioners, and thereby ordered the arbitration to proceed on an
13 individual basis.

14 **NOW, THEREFORE, IT IS ORDERED** that Respondent must submit her individual
15 claims against Petitioners to binding individual arbitration in accordance with the terms of the
16 arbitration agreement.

17
18 DATED: _____

HONORABLE MAGISTRATE JUDGE KANDIS A.
WESTMORE